

LISAN- HIG GAZETA OF THE BENISHANGUL — GUMUZ REGIONAL STATE የቤኒሻንጉል ጉሙዝ ክልሳዊ መንግስት ልሣነ - ሕግ ጋዜጣ

25ኛ *ዓመት* ቁጥር <u>፻፷፬</u> አሶሳ የካቲት ፴/<u>፳፻፲፩</u> 2011 ዓ.ም

የቤኒሻንጉል ጉሙዝ ክልል መንግስት ም/ቤት ጠባቂነት የወጣ 25th Year No 164 Assosa: March.9/2019

<u>አዋጅ ቁጥር ፻፷፬/፳፻፲፩ ዓ/ም</u> የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት የዳኞች አስተዳደር ጉባዔን ለማሻሻል የወጣ አዋጅ፣

መማቢያ

በተሻሻለው የቤኒሻንጉል ጉሙዝ ክልል ሕገ መንግሥት ነፃ የዳኝነት አካል የተቋቋመ በመሆኑ፤

በሕገ መንግሥቱ የተረጋገጠውን የዳኝነት ነፃነት ስማፈጋገጥ *ከሚያስችሎት* መሠረታዊ ጉዳዮች አንዱና ዋንኛው የዳኝነት አካሉን ከማናቸውም የመንግሥት *ከማን*ኛዉም አካል ወይም ባለሥልጣን ሆነ ሴላ አካል ተጽዕኖ ነፃ በሆነ ሁኔታ እንዲመራ ማድረግና አሁን ባለዉ አዳጊ ሀሳብና ለዉጥ ስራዎች *ጋ*ር የዳኞች አስተዳደር ጽ/ቤት ማቋቋምና ማደራጀት ንባኤ ብሎም *ማ*ጠናከር በማስፌስጉ፣

በተሻሻለው የቤኒሻንጉል-ጉሙዝ ክልላዊ መንግሥት ህገ መንግሥት አንቀጽ ፴፱/፫፩/ መሠረት የሚከተለው ታውጇል።

ያንዱ ዋጋ፤-----Unit Price: -----

PROCLAMATION NO.164/2019

BENISHANGUL – GUMUZ REGIONAL STATE. A PROCLAMATION ENACTED TO AMEND THE JUDICIAL ADMINISTR ATION COMMISION PROCLAMATION Preamble

Whereas an independent judiciary is established by the Revised Constitution of the Benishangul Gumuz Regional State WHEREAS one and the major of the fundamental factor that help to realize the constitutionally guaranteed independence of the judiciary is to have the judicial administration directed in a way free from the influence of any government organ or official, and any at her body that it is necessary to establish, organize and strength the secretariat Administration Judicial Commission inconsistent with just developing ideas and reforms:

Therefore, in accordance with Article 49(3) (1) of revised constitution of Benishangul Gumuz Regional State, it is hereby proclaimed as follows:

አንቀጽ ፩

አጭር ርዕስ

ይህ የቤኒሻንጉል ጉሙዝ ክልል የዳኞች አስተዳደር ጉባኤን በድ*ጋ*ሚ ሰማሻሻል የወጣ አዋጅ ቁጥር ፻፷**፬**/፳፻፲፩ ተብሎ ሲጠቀስ ይችላል

አንቀጽ ፪

ትርጓሜ

በዚህ አዋጅ ውስጥ፣

- ፩፥ "ምክር ቤት" ማለት የቤኒሻንጉል ጉሙዝ ክልላዊ መንግሥት የሕግ አውጪው አካል ነው፣
- ፪÷ "ንባኤ" ማለት በዚህ አዋጅ የተቋቋመ የክልሱ የዳኞች አስተዳደር ንባኤ ማለት ነው።
- ፫÷ "ዳኛ" ማለት በህን አማባብ፣ በክልሱ የዳኞች አስተዳደር ጉባኤ ተመርጦ በክልሱ ምክር ቤት የተሾመ የተፈጥሮ ሰዉ ነው።
- ፬÷ "ሬዳት ዳኛ" ማለት በዳኞች የአስተዳደር ጉባኤ ተመርጦ በምክር ቤት ሕስኪሾም ድረስ በጉባኤ ወይም በፕሬዚዳንቱ ተመድቦ የሚሠራ የሕግ ሙያተኛ ነው።

Article 1 Short Title

This Proclamation may be cited as "Proclamation Enacted to Re-amend the Judicial Administration Commission Proclamation Benishangul- Gumuz Region Proclamation No.164/2019.

Article 2 Definitions

In this Proclamation,

- "Council" means the legislative organ of the Benishangul Gumuz Regional State.
- 2) "Commission" means Judicial Administration Commission established hereby by this proclamation.
- 3) "Judge" means a natural person recruited, in accordance with the law, by the Region's Judicial Administration Commission and appointed by the Region's Council
- 4) "Assistant Judge" means a lawyer who is assigned by the Judicial Administration Commission or President to serve in legal profession until he is appointed by the Council.

፩"የዲሲፕሊን ጥፋት" ማስት በዲሲፕሊንና በሥነ ምግባር ደንብ የተመለከተውን ጥፋት ሲሆን በወንጀል ተከሶ ጥፋተኝነቱ የተፈ*ጋገ*ጠበትን፣ በጉቦና በአማሳጅ የሚሠራን በዘር በዛይማኖት፣ በጾታና በፖስቲካ አመለካከት አድልኦ የሚያደርግ ወይም ባስጉዳይ የሚያጉሳላን ይጨምራል።

፮ "ጉልህ የሆነ የሥራ ችሎታና ቅልጥፋና ማነስ"ማስት በዲስፕሲንና በሥነ ምግባር ደንብ
የተመለከተው ሲሆን በዳኝነት ሥራ ላይ ሙያው
ከሚጠይቀው የትምህርትና የልምድ ችሎታ በታች
የሆነ የሕግና የፍሬ ነገር ስህተት የሚፈጽም ወይም
ከሚገባው ጊዜ በላይ ክርክር የሚያራዝምን

፯"ሴሎች የጉባኤ ተሿሚዎች" ማስት የጉባኤ ጽህፌት ቤት ሃላፊ የስራ ሂደት ባለቤት፣ ነኢባ ፍ/ቤት ቃዲዎች ፣ ተከሳካይ ጠበቃ ፣ሬጅስትራር እና ሴሎችንም በጉባኤዉ የሚሾሙና የሚመደቡትን ይጨምራል።

፰<u>.የጕባኤዉ ጽህፌት ቤት</u> ማስት በዚህ አዋጅ አንቀጽ 7 መሰረት የሚደራጀዉ የዳኞች አስተዳደር ጕባኤ ጽ/ቤት ነዉ።

አንቀጽ ፫

*ጣ*ቋቋም

- ፩÷ የቤኒሻንጉል ጉሙዝ ክልል የዳኞች አስተዳደር ጉባኤ በዚህ አዋጅ ተቋቁ<u>ማ</u>ል።
- ፪፥ ጉባኤዉ የራሱ ጽህፊት ቤት ፣ ኃላፊ፣ በጀት እና አስፊላጊ የሆኑ ሥራተኞች ይኖሩታል። የጽሕፊት ቤቱ ኃላፊ የጉባኤዉ

- 5) "Breach of Discipline" means a breach as specified in the Disciplinary and Code of Conduct Rule and includes a judge who is found guilty of an offense charges with, yields to bribes and go-betweens, practices favoritism on account of race, religion, sex and political attitude, or who frustrates parties to a case brought before him.
- 6) "Manifest Incompetence and Inefficiency" means what is specified in the Disciplinary and code of conduct rule, and includes a judge who commits and error of law unbecoming to the competence by training and experience which the profession requires or who unduly delays proceeding.
- 7) "at her commission appointees" means head of office of the commission/ process owner, sharia judges defense lower registrar and include others appointed and assigned by the Judicial Administration Commission.
- **8**) Office of the commission means office of the judicial administration commission organized pursuant to article 7 of this proclamation.

Article3

Establishment

- 1. The Benishangul Gumuz Regional State Judicial Administration Commission is hereby established by this Proclamation.
- 2. The Commission shall have its own secretariat, head of secretariat, budget and the necessary staffs. The head of the secretariat shall

ጸሐፊ ሆኖ ያገስግላል።

አንቀጽ ፬

<u>የጉባኤ አባ</u>ሳት

፩÷ ጉባኤው የሚከተሉት አባላት ይኖሩታል። ሀ/ የክልሉ ጠቅሳይ ፍ/ቤት *ኘሬ*ዚ*ዳንት -----*ሰብሳቢ

ስ/ የክልሱ ጠቅሳይ ፍ/ቤት ም/ቫሬዚዳንት ----ትባል

ሐ/ በም/ቤቱ አፈ ጉባኤ የሚወከሱ አራት የምክር ቤቱ አባሳት ----- አባል መ/ ከጠቅሳይ ፍ/ቤት አንድ ዳኛ ---- አባል ሠ/ ከዞን ከፍተኛ ፍ/ቤቶች ሶስት ዳኞች------አባል

- ረ/ ከወረዳ ፍ/ቤቶች የሚመረጥ አንድ ዳኛ -----አባል
- ፪÷ ከጠቅላይ ፍርድ ቤት የሚወከለውን አንድ ዳኛ የጠቅላይ ፍርድ ቤቱ ዳኞች ይመርጣሉ፡፡
- ፫÷ከከፍተኛ ፍርድ ቤቶች የሚወከሉትን ሶስት ዳኞች በተመለከተ በ*እያንዳንዱ* የዞን ከፍተኛ ፍ/ቤት አንድ አንድ ዳኛ በፍ/ቤቶች አማካኝነት መርጠው ይልካሉ።
- ፬÷ ኘሬዚዳንቱ በማይኖርበት ጊዜ የጠቅላይ ፍርድ ቤት ምክትል ፕሬዚዳንት ስብሳቢዉን ፕሬዚዳንቱን ተክቶ ይመራል።
- ፩÷ የጉባኤው አባሳት የሥራ ዘመን ከክልሱ ም/ቤት አባሳት የሥራ ዘመን *ጋ*ር አንድ ዓይነት ይሆናል።

serve as the commission's secretary.

Article 4

Members of the Commission

- The Commission shall have the following members:
 - a. The President of the Supreme Court of the Region ------ Chairman.
- b. The Vice President of the Supreme Court of the region ----- member.
- c. four members of the council to designated by the speaker of the council------ member.
- d. One judge from the supreme court-----member
- e. Three judges form the zonal high court ----- member.
- f. f. One judge selected by woreda courts—member
- 2) A judge from the Supreme Court shall be selected by the judges of the Supreme Court.
- 3) Concerning the three judges from the Zonal High Courts, each Zonal high Court shall select one judge.
- 4) The vice President of the supreme court shall chair the commission in the absence of the president.
- 5) The term of office of the member of the Commission shall be the same as the term of the member of the Council of the Region.

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የንባኤ ስልጣንና ተግባር

ንባኤው የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል።

- ፩፥ ጉባኤው በዳኝነት ለመሥራት ካመለከቱት አመልካቾች ለዳኝነት ብቁ የሆኑትን ይመርጣል።
- ፪፥ በምክር ቤቱ እስኪሾሙ ድረስ የተመጡትን ዕጩዎች ጉባኤው በረዳት ዳኝነት መድቦ ሲያሠራ ይችላል።
- ፫÷ ሹመታቸው በም/ቤቱ የፀደቁትን ዳኞች ይመድባል።
- ፬፥ የጉባኤዉን ጽ/ቤት ሃላፊ ፣ዋና ስራ ሂደት ባለቤቶችን፣ ሬጅስትራሮች፣ ተከላካይ ጠበቆችንና ሌሎች በጉባኤዉ ጽ/ቤት የሚመደቡ ባለሙያዉችን ይሾጣል፣ በደምቡ መሠረትም ከሥራ ያለናብታል።
- *ኔ፥ የዳ*ኞችን፣ **ሬጅስትራሮችን**ና የተከሳካይ ጠበቆችን የጉባኤ ጽ/ቤት ሃላፊ የስራ ሂደት ባለቤቶችን መሪና ደመወዝ፣ አበል ፣ ሕክምና፣ የደረጃ ዕድንት፣ ሥልጠና፣ ስንብት የዳኝነት PWG ዝውውር፣ አፈጻጸም ሁኔታዎችን በሚመለከት ዝርዝር መተዳደሪያ ደንብ ያወጣል፣ አፈጻጸሙንም ይከታተሳል።
- ፮፥ በደንቡ መሠረት የሥራ ክፍተቶች ወይም አጣዳፊ ጉዳዮች ሲያጋጥሙ አንድ ዳኛ ከአቻ ወይም ክፍ ባለ የሥራ ደረጃ ላይ

Article 5

Power and Function of the Commission

The Commission shall have the following powers and functions.

- 1) The Commission shall select those who qualify for judgeship from among those who applied to serve in judgeship capacity.
- 2) It may assign those selected nominees to serve in assistant judgeship capacity until they are appointed by the council.
- 3) It shall give job placement to judges whose appointment is approved by the Council.
- 4) It shall appoint head secretariat core process owners registrars legal counsels and other professionals secretariat. Also shall remove them from their duty in accordance with the regulation.
- 5) It shall issue governing regulation and follow up its implementation on particulars of matters relating to job placement, salary, allowance, medical benefit, promotion, training, transfer, removal and performance of judgeship function of head secretariat, core process owners judges, registrars and legal counsels.
- 6) .It shall give, in accordance with the regulation, temporary or permanent job placement to a judge in an equivalent or

በጊዜያዊነት ወይም በቋሚነት ይመድባል።

- ፯፥ የወረዳ ፍርድ ቤት ደረጃ የሚሠራን ዳኛ ወደ ከፍተኛ ፍርድ ቤት ለማሳደግ የፌዴራል ሕገ መንግሥት አንቀጽ ፹፩/፬/ በሚደነግገው መሠረት የፌዴራል ዳኞች አስተዳደር ጉባኤን አስተያየት አስቀድሞ መጠየቅ አለበት።
- ፰÷ ዳኞች የሚመሩበትን የሥነ ምግባርና የዲሲንሊን ደንብ ያወጣል።
- ፱÷ የሥራ አፈባጸምና የሥነ ምግባርና ጉድስቶችን በሚመስከት የሚቀርበውን አቤቱታ /ቅሬታ/ መርምሮ ወይም እንደአስፈሳጊነቱ በደንቡ በሚቋቋሙት ኮሚቴዎች አስመርምሮ ውሣኔ ይሰጣል፡
- ፲ ለዚህ አዋጅ አፈባጸም አስፈላጊ ሆኖ ሲገኝ ጉባኤው ኮሚቴዎችን ያቋቁጣል፣ ዝርዝር ሥልጣንና ተግባራቸውን ይወስናል።

፲፩. በዚህ አንቀጽ ንዑስ አንቀጽ /፱/ መሠረት የሚቀርቡትን ጉዳዮች *መርም*ሮ ወይም በኮሚቴዎች አስ*መርምሮ* በክልሱ 'nЛ መንግሥት አንቀጽ \$\frac{1}{2}/\text{\tilde{0}}/U/ መሠረት ውሣኔውም ይወስናል፤ በምክር ቤቱ እስኪፀድቅ ድረስ *ከሥራ ጣገ*ድ ይችላል።

- ፲፪. አግባብ ባለው ሕግ መሠረት የፍርድ ቤቶችን አደረጃጀት መርምሮ ይወስናል።
- ፲፫.የጉባኤዉ ጽህፌት ቤት የሚሰራበትን መመሪያ ያወጣል፤አፌጻጸሙን ይከታተላል።

- higher position, if job gaps or urgent affairs occur.
- 7) It shall request in advance, the suggestion of the Federal Judicial Administration Commission on the promotion of a judge serving in the Woreda Court to the High Court as provided under Article 8 (4) of the Federal Constitution.
- 8) It shall issue Code of Conduct and Disciplinary Rule governing judges.
- 9) It shall investigate or cause investigation by committees established, as may be necessary by the regulation, of complaints or grievances submitted to it on performance and breach of code of conduct matters and give decision.
- 10) It may establish committees, it is deemed necessary for the implementation of this Proclamation, and determine particulars of their powers and functions.
- 11) In accordance with sub article 9 of this proclamation, it shall investigate or cause investigation committees of matters submitted to it and give decision in accordance with Article 67(4) (a) of the constitution of the Region. It may suspend a judge from job until the decision is approved by the Council.
- 12) It shall examine and determine, in accordance with the relevant law, the organization of courts.
- 13) It shall issue work directive for the secretariat of the commission and supervise its implementation.

አንቀጽ ፮

የጉባኤው ሰብሳቢ ሥልጣንና ተግባር

ሰብሳቢው የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡፡

፩÷ የጉባኤውን ጽ/ቤት በበላይነት ይመራል፣ ይቆጣጠራል፣

፪÷ የጉባኤውን ስብሰባ ይመራል፣

- բ ÷ ՍԱՆ አዋጅ መሠረት አንቀጽ E/6/ ማመልከቻ ያቀረቡትን አመልካቾች አምር የሕይወት ታሪክ መግለጫ አዘ*ጋ*ጅቶ ያቀርባል። በንባኤው ለከፍተኛ ስጉባኤው ጠቅሳይ ፍ/ቤቶች የተመረጡትን ዳኞችና የዳኞች የጉባኤውን ውሣኔ ለፌኤራል አስተዳደር ጉባኤ በመሳክ አስተያየት ይቀበላል፡ ከጉባኤው ውሣኔ ጋርም በማደያዝ በክልሱ ምክር ቤት ያቀርባል።
- ፬÷ የጉባኤ ጽህፈት ቤት ሃላፊ፤ የስራ ሂደት መሪ ሬጅስትራርና የተከሳካይ ጠበቆችን ለጉባኤው አስቀርቦ ያሾማል።
- ፩÷ ዳኞችና የጉባኤ ተሿሚዎች የሥራ አፈፃጸምና የሥነ ምግባር ጉድስት በኮሚቴ አስመርምሮ ይወስናል፡፡ አስፈላጊ ሆኖ ሲያገኘውም ስጉባኤው ያቀርባል፡፡
- ፮÷ የፍርድ ቤቶችን መዋቅር አጥንቶ ስጉባኤው የውሣኔ ሃሣብ ያቀርባል፣ ሲወሰንም

14) To nominate candidates for president of the high and worda courts from list presented by the president

Article 6

Power and Duties of the Chairman of the Commission.

The Chairman shall have the following powers and functions.

- 1) He shall direct, as the supreme authority, and supervise the office of the Commission.
- 2) He shall preside over the meeting of the Commission.
- 3) He shall prepare and present to the commission the profile of applicants who submitted application in accordance with Article 5(1) of this Proclamation. He shall send to the Federal Judicial Administration Commission the names of judges recruited for the High and Supreme Courts, together with its decision, and shall request its suggestion. He shall annex this with the decision of the commission and present it to the Council.
- 4) He shall present to the commission and cause the appointment of head of, secretariat, core process owners, registrars and legal counsels.
- 5) He shall cause investigation of matters on performance and breach of code of conduct by committee, and decide whenever he deems it necessary, he may present it to the Commission
- 6) He shall examine the structure of courts and present recommendation to the commission,

አፈባጸሙን ይከታተሳል።

- ፯÷ አስቸኳይ ጉዳዮች ሲያ*ጋ*ጥሙ ጉባኤው እስኪሰበሰብ ድረስ አንድን ዳኛ አቻ ወይም ከፍ ባለ የሥራ ደረጃ በጊዜያዊነት ይመድባል፣ ጉዳዩንም በሚቀጥለው የጉባኤ ስብሰባ አቅርቦ ማስወሰን አለበት።
- ቷ፥ ማመልከቻ ሲቀርብስት መደፊት በደኞች አስተዳደር ንባኤ **እስከሚ**ወሰን ድረስ ወይም በተለማማጅ በረዳት ደኝነት አመልካቹን በማንኛውም ደረጃ ፍርድ ቤት የማስራት በ2ዜ*ያዊነት* መድበ ሥልጣን አስው።
- ፱፥ ለከፍተኛ እና ለወረዳ ፍርድ ቤቶች ፕሬዚዳንት የሚሆኑ አጩዎችን ለጉባኤ ያቀርባል።

አንቀጽ ፯

የጉባኤዉ ጽ/ቤት ስልጣንና ተግባር

- የንባኤዉ ጽ/ቤት ከዚህ በታች የተዘረዘሩትን ስልጣንና ተግባራት ይኖሩታል።
- ፩÷ የጉባኤዉን አመታዊ የስራ እቅድና በጀት ያዘ*ጋ*ጃል<u>።</u>
- ፪፥ በዚህ አዋጅ አንቀጽ ፲፫ መሰረት በክልሱ ዳኞች ሳይ የሚቀርቡ አቤቱታዎችን ይቀበሳል በአቤቱታዎች ሳይ ጉባኤዉ የሚሰጣቸዉን ዉሳኔዎች በአግባቡ ለሚመለከታቸዉ አካሳት ሕንዲደርስ ያደር ጋል።

- and follow up it implementation upon decision.
- 7) He may give temporary job placement to a judge in an equivalent or higher position if urgent affairs occur, until the commission convenes and shall get the matter approved by the next meeting of the commission.
- 8) He shall have the power to give temporary job placement, if application is submitted to him, to a judge in a trained or assistant judgeship position at any level of court, until a decision is made by the Judicial Administration Commission.
- 9) He shall present candidates for president positions of high and woreda courts.
- 10) He shall discharge other functions entrusted to him by the Commission.

Article 7

Powers and Duties of the Commission's Secretariat

The Commission's secretariat shall have the following powers and duties:

- 1/ to prepare annual work plan and budget of the Council;
- 2/ to receive complaints on judges presented pursuant to Article 13 of this Proclamation; to notify decisions passed on such complaints by the Commission to the concerned persons and organs;

- ፫÷ የክልሱ ዳኞችን የግል ማህደር ያደራጃል አስፈላጊ መረጃዎች በማህደሮች መግባታቸዉን ይከታተላል።
- ፬÷ የክልሱ ዳኞችን አስተዳደራዊ ጉዳዮች አፈጻጸም ይከታተሳል።
- ጅ÷የጉባኤዉን የስብሰባ ቃስጉባኤዎችና ሴሎች ሰንዶችን በአማባቡ ይይዛል፡፡
- ፮÷ የክልሱ ዳኞች የስራ አፈጻጸም ምዘና ጉባኤዉ በሚያወጣ መመሪያ መሰረት እንዲካሄድ ያደር ጋል፡፡የምዘና ዉጤቶች የዳኞች የግል ማህደር ዉስጥ እንዲገቡ ያደር ጋል፡፡
- ፯÷ ሌሎች በጉባኤዉ የሚሰጡ ተማባራትን ያከናዉናል።

አንቀጽ ፰.

የጉባዔው ጽሕፌት ቤት ኃላፊ ሥልጣንና ተግባር የጉባዔው ጽሕፌት ቤት ኃላፊ የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

- ፩፥ በጉባዔው ስብሰባዎች ላይ በፀሐፊነት ይገ ኛል፣ ቃስጉባዔ ይይዛል፣ ቃስጉባዔዎች በጉባዔው አባላት መፈረጣቸውን ይከታተላል፤
- ፪÷ የጉባዔውን ዓመታዊ የሥራ ዕቅድ ስጉባዔው ሰብሳቢ ያቀርባል፤
- ፫÷ ስለንብዔው *ዕ*ቅድ አፈጻጸም በንብዔው በተጠየቀ ጊዜ ሪፖርት ያቀርባል፤
- ፬÷ ዳኞች ላይ የሚቀርቡ አቤቱታዎችን ለጉባዔው ያቀርባል፣ የተሰጡ ውሳኔዎች መፈፀጣቸውን ይከታተሳል፤

- 3/ to organize personal files of judges; followup that the files are updated with necessary information:
- 4/ to follow-up implementation of administrative matters regarding judges;
- 5/ to keep minutes and other documents of the
 Commission in an appropriate manner;
 6/ to conduct appraisal of judges in accordance
 with the directive to be issued by the
 Commission enter results of the appraisal in the
 judges personal file;
- 7/ to perform other duties assigned to it by the Commission.

Article 8

Powers and Duties of the Head of the Secretariat of the Commission

shall have the following powers and duties:

1/ to serve as secretary on meetings of the

Commission, keep minutes of the Commission;

follow-up that minutes are signed by members of

The Head of the Secretariat of the Commission

the Commission

- 2/ to present annual work plan of the Commission to the chairperson of the Commission;
- 3/ to present a report on the implementation of the work plan when requested by the Commission;
- 4/ to present to the Commission complaints lodged on judges; follow-up implementation of decisions on the complaints;

- **ሯ፥ የጽሕፈት ቤቱን ሠራተኞች ያስተዳድራል**፤

<u>አንቀጽ ፱</u> የጉባኤ ስብሰባ

- ፩÷ ጉባኤው በየሶስት ወሩ አንድ ጊዜ መደበኛ ስብሰባ ያደር ጋል፡፡ ሆኖም አስፈላጊ ሆኖ ሲያገኘው በማናቸውም ጊዜ ስብሰባ ሊያደርግ ይችላል፡፡
- ፪÷ ከጉባኤው አባላት ከግማሽ በላይ ከተገኙ ምላተ ጉባኤ ይሆናል።
- ፫÷ የጉባኤው ውሣኔዎች በድምጽ ብሳጫ ይተሳስፋሉ፡፡ ድምጽ እኩል በሆነበት ጊዜ ሰብሳቢው ወሳኝ ድምጽ ይኖረዋል፡፡
- ፬፥ የሥራ አፈፃጸምና ዲሲንሲን ጉድለት ክስ የቀረበበት ዳኛ ወይም ጉዳዩን ቀድሞ ያየው ወይም የወሰነው የጉባኤው አባል የሚታየው ጉዳይ ስለእርሱ በሆነ ጊዜ ከጉባኤው ስብሰባ ይነሳል፡፡
- ጅ÷የዚህ አንቀጽ ድን*ጋጌ* እንደተጠበቀ ሆኖ ጉባኤው የራሱን የሥልጣን ሥነ ሥርዓት ደንብ ሲደነፃፃ ይችላል።

አንቀጽ ፲

በዳኝነት ለመመረጥ የሚያበቁ መመዘኛዎች

፩÷የሚከተሉትን መመዘኛዎች የሚያሟሉ ኢትዮጵያዊ ተወዳድሮ የክልሉ ዳኛ ሆኖ መመረጥ ይችሳል። 5/ to administer staff of the secretariat;

6/ to perform other duties assigned by the chairperson of the Commission.

Article 9

Meeting of the Commission

- 1) The commission shall hold a regular meeting once in each three months, however, when found necessary, it may hold a meeting at any time.
- 2) There shall be a quorum where more than half of the member of the commission is present.
- 3) The decision of the Commission shall be passed by a majority vote; when there is a tie, the chairman shall have a casting vote.
- 4) A judge who is a member of the commission and against whom a case concerning performance or breach of discipline is institute or who has seen or decided such matter, shall be withdrawn from the meeting of the commission while the case under consideration related to him.
- 5) Without prejudice to the provision of this article, the commission may draw up its own rules of procedure on meeting.

Article 10

Criteria of Appointment for Judgeship

 Any Ethiopian who fulfils the following criteria may be appointed as a judge of the Region.

- ሀ/ ለፌዴራልና ለክልሉ ሕገ *መንግሥት* ታማኝ የሆነ፣
- ስ/ በሕግ ትምህርት የሰስጠነና በቂ የሕግ ዕውቀት ያስው፣
- ሐ/ በታታሪነቱ፣ በፍትሐዊነቱ፣ አርያ የሆነ፣
- መ/ በዳኝነት ሙያ ለ**መሠጣራት** ፈቃደ**ኛ** የሆነ ፣
- ረ/ እድሜዉ ከ25 ዓመት ያሳነሰ
- ፪፥ ማንኛውም ሰው በሕግ አውጭ ወይም በሕግ አስፌጻሚ ወይም በማናቸውም የፖስቲካ ድርጅት በአባልነት በሚያገለግልበት ጊዜ አጣምሮ የዳኝነቱን ሥራ ሲሰራ አይችልም።

አንቀጽ ፲፩ የዳኞች ከሥራ መሰናበት

- ማንኛውም *ጻ*ኛ ከሥራ የሚሰናበተው በሚከተሉት ምክንያቶች ነዉ።
- ፩÷ሥራው ለመልቀቅ ሲ**ፈልግ ሁለት ወር** የጽሁፍ **ማ**ስጠንቀቂያ በመስጠት፣
- ፪÷*ዕድሜው ፯ ዓመ*ት ሲሞላው።

ተሳልፎ ሲ*ገ*ኝ ነው።

፫. በሕመም ምክንያት ተማባሩን በተገቢው ሁኔታ አያከናውንም ተብሎ ሲወሰን፣ ፬.ጉልህ የሆነ የሥራ ችሎታና ቅልጥፍና አንሶታል ተብሎ ሲወሰን ወይም፣ ፩.የዳኞችን የዲስኘሊን የሥነ-ምግባር ደንብ

- a) If he is loyal to the constitution of the Federal and Region:
- b) If he is trained in law and has adequate knowledge in law;
- c) If he has good reputation for his diligence, fairness and good conduct;
- d) If he consents to assuming judgeship function: and
- e) Confirms that he has never been punished with rigorous imprisonment.
- f) If he is not under 25 years of age.
- 2. No person may sultaneously assume judgeship while serving in the legislative or executive branch of government or while serving as a member of any political party.

Article 11 Termination of Judges

Any judge may be terminated from job for one of the following reasons.

- 1) If he is to resign, upon giving a two months prior written notice;
- 2) If he attained 60 years of age.
- 3) .If it is decided that he is incapable of discharging duty owing to illness.
- 4) If it is decided that he is manifestly incompetent or inefficient; or
- 5) If he is found to he violates the Disciplinary and code of conduct rules for judges.

አንቀጽ ፲፱

<u>የሬጅስትራሮችና የተከላካይ ጠበቆች ከሥራ</u> መሰናበት

ማንኛውም ሬጅስትራር ወይም ተከሳካይ ጠበቃ ከሥራ ሲሰጠናበት የሚችስው፡-

- ፪÷ በሕመም ምክንያት ተግባሩን ማከናወን አይችልም ተብሎ ሲወሰን፣
- ፫÷ የዲሲፕሊን ጥፋት ፊጽሞ ሲ*ገ*ኝ፣
- ፬፥ ጉልህ የሆነ የሥራ ችሎታና ቅልጥፍና አንሶታል ተብሎ ሲወሰን ወይም፣
- *፮፥ዕድሜ*ው *፯ ዓመ*ት ሲሞላው።

አንቀጽ ፲፫

አቤቱታ ስለማቅረብ

ማንኛውም ሰው በዳኝነት ሥራ አካሄድ በደል ከተፈጸመበት ሰንባኤው አቤቱታ ማቅረብ ይችላል።

አንቀጽ ፲፬

የጾታ አንላለጽ

በዚህ አዋጅ ውስጥ በወንድ ጾታ የተገለጸው ሁሉ የሴትንም ጾታ ያካትታል።

አንቀጽ ፲፰

ህጋዊ እውቅና ስላለው ቅጂ

በዚህ አዋጅ የአማርኛና የእንግሊዝኛ ቋንቋ ቅጅዎች መካከል የዛሣብ ግጭት ሲኖር የአማርኛ ቅጅ ትርጉም ተፈጻሚነት ይኖረዋል።

Article 12 Termination of Registrars and Legal Counsels

Any registrar or legal counsel may be terminated:

- 1) If he presented a one months prior written notice to resign on his own motion.
- 2) It is decided that he is incapable of performing duty owing to illness;
- 3) If he is found to have committed breach of discipline;
- 4) If it is decided that he is manifestly incompetent or inefficient; or
- 5) If he attained 60 years of age.

Article 13

Lodging of Petition

Any person against whom injustice is done in judicial proceedings may lodge petition to the commission.

Article14

Gender Reference

Reference in this Proclamation set out in the masculine gender shall also apply to the feminine gender.

Article 15

Version with Authority

If there is a contradiction between the Amharic and English versions the meaning of the Amharic version shall have

አንቀጽ ፲፮

ደንብና መመሪያን የማዉጣት ስልጣን

ይህን አዋጅ <mark>ለ</mark>ማስፈጸም *ጉ*ባኤዉ ደንብ ወይም *መመሪያዎችን ለ*ማዉጣት ይችላል

አንቀጽ ፲፯

ቃስ መሐሳ

ዳኞች ተሹመው ሥራቸውን ከመጀመራቸው በፊት የሚከተለውን ቃለ መዛሳ መሬጸም አለባቸው።

እኔ ------የፍ/ቤት ዳኛ በመሆን ተሹሜ ሥራዬን ስጀምር የተጣሰብኝን ከፍተኛ ኃላፊነት በታጣኝነት ልፈጽም ቃል እንባለሁ።

አንቀጽ ፲፰.

የተሻሩ ሕሎች

፩. የቤኒሻንጉል ጉሙዝ ክልል የዳኞች አስተዳደር ጉባኤን ለማቋቋም የወጣ አዋጅ ቁጥር ፫፰/፲፱፺፩ እና አዋጅ ቁጥር 80/ 2001 በዚህ አዋጅ ተሽሯል።

፪. ከዚህ አዋጅ *ጋር የሚቃረን ጣን*ኛውም አዋጅ ወይም መመሪያ፣ ደንብ ወይም ውሣኔ፣ በዚህ አዋጅ ከተመ**ለ**ከቱት ጉዳዮች ሳይ ተፈጻሚነት አይኖረውም።

<u>አንቀጽ ፲፱.</u> አዋጁ የሚናበት ቀን

ይህ አዋጅ ከወደቀበት ቀን የካቲት ፴/፳፻፲፩ዓ.ም. ጀምሮ የወና ይሆናል። application.

Articl 16

Power to issue regulation and directive

The commission may issue regulation or directives necessary for the implementation of this proclamation.

Article 17

Oath

After appointment and prior to assumption of duties, judges shall take the following oath

I -----, upon may appointment and assumption of duty as judge of ----- court, on this day, pledge to discharge with dedication the heavy responsibility entrusted to me.

Article 18

Repealed Laws

- A Proclamation to Establish the Judicial Administration Commission of Benishangul Gumuz Regional State, Proclamation No.38/1995, is hereby repealed by this Proclamation.
- Any Proclamation, directive, regulation or decision inconsistent with this Proclamation shall not be applicable to matters specified in this Proclamation.

Article 19

Effective Date

This Proclamation shall be effective as of on March 9, 2019

አሻዲሲ ሀሰን አልአጀብ የቤኒሻንጉል ጉሙዝ ክልሳዊ መንግሥት ኘሬዝዳንት የካቲት ፴ ቀን ፳፻፲፩ ዓ.ም. አሶሳ

Ashadili Hasen Alajeb

President or Benishangul- Gumuz

Regional State

March 9,2019

Assosa